

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:07CR176-P-D

**STEPHEN FINCH and
PETER BERNEGGER**

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Peter Bernegger's first motion to continue trial [36]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for October 6, 2008. Defense counsel requests a continuance to afford more time to complete inspection of discovery material and to prepare for trial. Defense counsel also avers that he has a previously-scheduled matter in the Circuit Court of Itawamba County, Mississippi set on October 6, 2008

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from October 6, 2008 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant Peter Bernegger's first motion to continue trial [36] is **GRANTED**;
- (2) Trial of this matter is continued **as to both defendants** until Monday, December 8, 2008

at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from October 6, 2008 to December 8, 2008 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is November 17, 2008; and

(5) The deadline for submitting a plea agreement is November 24, 2008.

SO ORDERED this the 16th day of September, A.D., 2008.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE